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8 Attorneys for Complainant

9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:
12 CHRISTIANA ANN ROACH
10380 Maya Linda Road, Apt. C-206
13 San Diego, CA 92126
14 Pharmacist License No. RPH 49859
15 Respondent.

Case No. 2593
OAH No. L-2004110082
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 In the interest of a prompt and speedy settlement of this matter, consistent with the
18 public interest and the responsibility of the Board of Pharmacy ("Board"), the parties hereby
19 agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to
20 the Board for approval and adoption as the final disposition of the Accusation.

21 PARTIES

22 1. Patricia F. Harris ("Complainant") is the Executive Officer of the Board of
23 Pharmacy. She brought this action solely in her official capacity, and is represented in this
24 matter by Bill Lockyer, Attorney General of the State of California, by Kathleen B.Y. Lam,
25 Deputy Attorney General.

26 2. Respondent CHRISTIANA ANN ROACH ("Respondent") is represented
27 in this proceeding by attorney M. Gayle Askren, Esq., whose address is 1224 Tenth Street, #206
28 Coronado, California 92118-3420.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. 2593.

4 9. Respondent agrees that her Pharmacist license is subject to discipline and
5 she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
6 Order below.

7 CONTINGENCY

8 10. The parties understand and agree that facsimile copies of this Stipulated
9 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
10 force and effect as the originals.

11 11. In consideration of the foregoing admissions and stipulations, the parties
12 agree that the Board may, without further notice or formal proceeding, issue and enter the
13 following Disciplinary Order:

14 DISCIPLINARY ORDER

15 IT IS HEREBY ORDERED that Pharmacist License No. RPH 49859 issued to
16 Respondent CHRISTIANA ANN ROACH ("Respondent") is revoked. However, the revocation
17 is stayed and Respondent is placed on probation for five (5) years on the following terms and
18 conditions.

19 1. **Actual Suspension - Pharmacist.** Pharmacist License No. RPH 49859,
20 issued to Respondent Christiana Ann Roach is suspended for a period of two (2) years.
21 However, Respondent shall be given credit for the time her pharmacist license was suspended by
22 the Superior Court in *People of the State of California v. Christiana Ann Roach*, San Diego
23 County Superior Court Case No. CD 170485. In addition, Respondent cannot practice as a
24 pharmacist without the approval of the Pharmacist Recovery Program ("PRP").

25 During suspension, Respondent shall not enter any pharmacy area or any portion
26 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other
27 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous
28 drugs and devices or controlled substances are maintained. Respondent shall not practice

1 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,
2 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or
3 be a consultant to any licensee of the Board, or have access to or control the ordering,
4 manufacturing or dispensing of dangerous drugs and devices or controlled substances.

5 Respondent shall not engage in any activity that requires the professional
6 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of
7 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for
8 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to
9 own or hold an interest in any pharmacy in which she holds an interest at the time this decision
10 becomes effective unless otherwise specified in this order.

11 2. **Obey All Laws.** Respondent shall obey all state and federal laws and
12 regulations substantially related to or governing the practice of pharmacy.

13 Respondent shall report any of the following occurrences to the Board, in writing,
14 within 72 hours of such occurrence:

- 15 • an arrest or issuance of a criminal complaint for violation of any provision of the
16 Pharmacy Law, state and federal food and drug laws, or state and federal
17 controlled substances laws
- 18 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
19 any criminal complaint, information or indictment
- 20 • a conviction of any crime
- 21 • discipline, citation, or other administrative action filed by any state and federal
22 agency which involves Respondent's license or which is related to the practice
23 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
24 or charging for any drug, device or controlled substance.

25 3. **Reporting to the Board.** Respondent shall report to the Board
26 quarterly. The report shall be made either in person or in writing, as directed. Respondent
27 shall state under penalty of perjury whether there has been compliance with all the terms and
28 conditions of probation. If the final probation report is **not** made as directed, probation shall

1 be extended automatically until such time as the final report is made and accepted by the
2 Board.

3 4. **Interview with the Board.** Upon receipt of reasonable notice,
4 Respondent shall appear in person for interviews with the Board upon request at various
5 intervals at a location to be determined by the Board. Failure to appear for a scheduled
6 interview without prior notification to Board staff shall be considered a violation of probation.

7 5. **Cooperation with Board Staff.** Respondent shall cooperate with the
8 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
9 compliance with the terms and conditions of her probation. Failure to comply shall be
10 considered a violation of probation.

11 6. **Continuing Education.** Respondent shall provide evidence of efforts
12 to maintain skill and knowledge as a pharmacist as directed by the Board.

13 7. **Notice to Employers.** Respondent shall notify all present and
14 prospective employers of the decision in Case No. 2593, and the terms, conditions and
15 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
16 this decision, and within 15 days of Respondent undertaking new employment, Respondent
17 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
18 writing acknowledging the employer has read the decision in Case No. 2593.

19 If Respondent works for or is employed by or through a pharmacy employment
20 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
21 every pharmacy of the and terms conditions of the decision in Case No. 2593 in advance of the
22 Respondent commencing work at each pharmacy.

23 "Employment" within the meaning of this provision shall include any full-time, part-
24 time, temporary, relief or pharmacy management service as a pharmacist, whether the
25 Respondent is considered an employee or independent contractor.

26 8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-
27 Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
28 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the

1 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
2 order.

3 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board
4 its costs of investigation and prosecution in the amount of \$6,573. Respondent shall pay said
5 costs on a quarterly basis.

6 The filing of bankruptcy by Respondent shall not relieve Respondent of her
7 responsibility to reimburse the Board its costs of investigation and prosecution.

8 10. **Probation Monitoring Costs.** Respondent shall pay the costs
9 associated with probation monitoring as determined by the Board each and every year of
10 probation. Such costs shall be payable to the Board at the end of each year of probation.
11 Failure to pay such costs shall be considered a violation of probation.

12 11. **Status of License.** Respondent shall, at all times while on probation,
13 maintain an active current license with the Board, including any period during which
14 suspension or probation is tolled.

15 If Respondent's license expires or is cancelled by operation of law or otherwise,
16 upon renewal or reapplication, Respondent's license shall be subject to all terms and
17 conditions of this probation not previously satisfied.

18 12. **License Surrender while on Probation/Suspension.** Following
19 the effective date of this decision, should Respondent cease practice due to retirement or
20 health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent
21 may tender her license to the Board for surrender. The Board shall have the discretion
22 whether to grant the request for surrender or take any other action it deems appropriate and
23 reasonable. Upon formal acceptance of the surrender of the license, Respondent will no
24 longer be subject to the terms and conditions of probation.

25 Upon acceptance of the surrender, Respondent shall relinquish her pocket
26 license to the Board within 10 days of notification by the Board that the surrender is accepted.
27 Respondent may not reapply for any license from the Board for three years from the effective
28 date of the surrender. Respondent shall meet all requirements applicable to the license sought

1 as of the date the application for that license is submitted to the Board.

2 13. **Notification of Employment/Mailing Address Change.** Respondent
3 shall notify the Board in writing within 10 days of any change of employment. Said
4 notification shall include the reasons for leaving and/or the address of the new employer,
5 supervisor or owner and work schedule if known. Respondent shall notify the Board in
6 writing within 10 days of a change in name, mailing address or phone number.

7 14. **Tolling of Probation.** Should Respondent, regardless of residency, for
8 any reason cease practicing pharmacy for a minimum of forth (40) hours per calendar month
9 in California, Respondent must notify the Board in writing within 10 days of cessation of the
10 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
11 shall not apply to the reduction of the probation period. It is a violation of probation for
12 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
13 period exceeding three years.

14 "Cessation of practice" means any period of time exceeding 30 days in which
15 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of
16 the Business and Professions Code.

17 15. **Violation of Probation.** If Respondent violates probation in any
18 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
19 probation and carry out the disciplinary order which was stayed. If a petition to revoke
20 probation or an accusation is filed against Respondent during probation, the Board shall have
21 continuing jurisdiction and the period of probation shall be extended, until the petition to
22 revoke probation or accusation is heard and decided.

23 If Respondent has not complied with any term or condition of probation, the
24 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
25 be extended until all terms and conditions have been satisfied or the Board has taken other
26 action as deemed appropriate to treat the failure to comply as a violation of probation, to
27 terminate probation, and to impose the penalty which was stayed.

28 16. **Completion of Probation.** Upon successful completion of probation,

1 Respondent's license will be fully restored.

2 17. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**

3 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists
4 Recovery Program for evaluation and shall successfully participate in and complete the
5 treatment contract and any subsequent addendums as recommended and provided by the PRP
6 and as approved by the Board. The costs for PRP participation shall be borne by the
7 Respondent.

8 If Respondent is currently enrolled in the PRP, said participation is now
9 mandatory and is no longer considered a self-referral under Business and Professions Code
10 section 4363, as of the effective date of this decision. Respondent shall successfully
11 participate in and complete her current contract and any subsequent addendums with the PRP.
12 Probation shall be automatically extended until Respondent successfully completes her
13 treatment contract. Any person terminated from the program shall be automatically suspended
14 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified
15 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate
16 probation for any violation of this term.

17 18. **Random Drug Screening.** Respondent, at her own expense, shall
18 participate in random testing, including but not limited to biological fluid testing (urine,
19 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
20 The length of time shall be for the entire probation period and the frequency of testing will be
21 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
22 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
23 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
24 directed shall constitute a violation of probation. Any confirmed positive drug test shall result
25 in the immediate suspension of practice by Respondent. Respondent may not resume the
26 practice of pharmacy until notified by the Board in writing.

27 19. **Abstain from Drugs and Alcohol Use.** Respondent shall completely
28 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their

1 associated paraphernalia except when the drugs are lawfully prescribed by a licensed
2 practitioner as part of a documented medical treatment. Upon request of the Board,
3 Respondent shall provide documentation from the licensed practitioner that the prescription
4 was legitimately issued and is a necessary part of the treatment of the Respondent.

5 20. **Supervised Practice.** Respondent shall practice only under the
6 supervision of a pharmacist not on probation with the Board. Respondent shall not practice
7 until the supervisor is approved by the Board. The supervision shall be, as required by the
8 Board, either:

9 Continuous - 75% to 100% of a work week

10 Substantial - At least 50% of a work week

11 Partial - At least 25% of a work week

12 Daily Review - Supervisor's review of probationer's daily activities within 24
13 hours

14 Within 30 days of the effective date of this decision, Respondent shall have her supervisor
15 submit notification to the Board in writing stating the supervisor has read the decision in Case
16 No. 2593 and is familiar with the level of supervision as determined by the Board.

17 If Respondent changes employment, Respondent shall have her new supervisor,
18 within 15 days after employment commences, submit notification to the Board in writing
19 stating the direct supervisor and pharmacist-in-charge have read the decision in Case No. 2593
20 and is familiar with the level of supervision as determined by the Board.

21 Within 10, days of leaving employment, Respondent shall notify the Board in
22 writing.

23 21. **No Ownership of Premises.** Respondent shall not own, have any legal
24 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
25 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
26 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
27 entity licensed by the Board within 90 days following the effective date of this decision and
28 shall immediately thereafter provide written proof thereof to the Board.

1 22. **Tolling of Suspension.** If Respondent leaves California to reside or
2 practice outside this state, for any period exceeding 10 days (including vacation), Respondent
3 must notify the Board in writing of the dates of departure and return. Periods of residency or
4 practice outside the state - or any absence exceeding a period of 10 days shall not apply to the
5 reduction of the suspension period.

6 Respondent shall not practice pharmacy upon returning to this state until
7 notified by the Board that the period of suspension has been completed.

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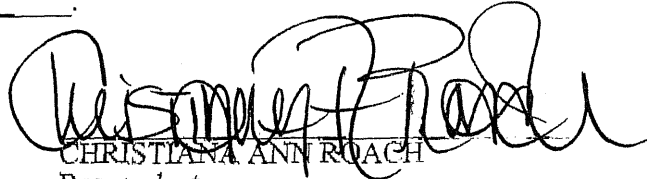
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ACCEPTANCE

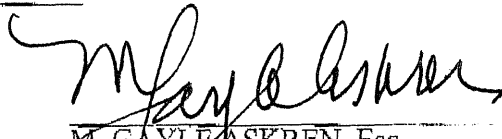
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, M. Gayle Askren, Esq. I understand the stipulation and the effect it will have on my Pharmacist license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 3/21/05


CHRISTIANA ANN ROACH
Respondent

I have read and fully discussed with Respondent CHRISTIANA ANN ROACH the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 3/21/05


M. GAYLE ASKREN, Esq.
Attorney for Respondent

ORIGINAL

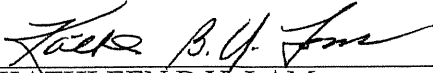
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: 3/22/05

BILL LOCKYER, Attorney General
of the State of California



KATHLEEN B.Y. LAM
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2002AD0872
KBL:dim
70014675.wpd

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CHRISTIANA ANN ROACH
10380 Maya Linda Road, Apt. C-206
San Diego, CA 92126

Pharmacist License No. RPH 49859

Respondent.

Case No. 2593

OAH No. L-2004110082

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy as its Decision in this matter.

This Decision shall become effective on May 27, 2005.

It is so ORDERED April 27, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2593

1 BILL LOCKYER, Attorney General
of the State of California
2 KATHLEEN B. Y. LAM, State Bar No. 95379
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
5 P.O. Box 85266
San Diego, CA 92186-5266
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8 Attorneys for Complainant

9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2593

12 CHRISTIANA ANN ROACH
13 3820 Georgia Street #14
San Diego, CA 92103

ACCUSATION

14 Original Pharmacist License No. RPH 49859

15 Respondent.
16

17 Complainant Patricia F. Harris ("Complainant") alleges:

18 PARTIES

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about September 15, 1997, the Board of Pharmacy issued Original
22 Pharmacist License Number RPH 49859 to CHRISTIANA ANN ROACH ("Respondent"). The
23 license expired on April 30, 2003, and has not been renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board of Pharmacy ("Board"),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
28

1 4. Section 4300 of the Code states:

2 "(a) Every license issued may be suspended or revoked.

3 "(b) The board shall discipline the holder of any license issued by the board,
4 whose default has been entered or whose case has been heard by the board and found guilty, by
5 any of the following methods:

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

8 "(3) Suspending his or her right to practice for a period not exceeding one year.

9 "(4) Revoking his or her license.

10 "(5) Taking any other action in relation to disciplining him or her as the board in
11 its discretion may deem proper.

12 "(c) The board may refuse a license to any applicant guilty of unprofessional
13 conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a
14 license who is guilty of unprofessional conduct and who has met all other requirements for
15 licensure. The board may issue the license subject to any terms or conditions not contrary to
16 public policy, including, but not limited to, the following:

17 "(1) Medical or psychiatric evaluation.

18 "(2) Continuing medical or psychiatric treatment.

19 "(3) Restriction of type or circumstances of practice.

20 "(4) Continuing participation in a board-approved rehabilitation program.

21 "(5) Abstention from the use of alcohol or drugs.

22 "(6) Random fluid testing for alcohol or drugs.

23 "(7) Compliance with laws and regulations governing the practice of pharmacy.

24 "(d) The board may initiate disciplinary proceedings to revoke or suspend any
25 probationary certificate of licensure for any violation of the terms and conditions of probation.

26 Upon satisfactory completion of probation, the board shall convert the probationary certificate to
27 a regular certificate, free of conditions.

28 "(e) The proceedings under this article shall be conducted in accordance with

1 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code,
2 and the board shall have all the powers granted therein. The action shall be final, except that the
3 propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the
4 Code of Civil Procedure."

5 5. Section 4301 of the Code states in part:

6 "The board shall take action against any holder of a license who is guilty of
7 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
8 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
9 following:

10 " ...

11 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,
12 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
13 otherwise, and whether the act is a felony or misdemeanor or not.

14 " ...

15 "(h) The administering to oneself, of any controlled substance, or the use of any
16 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
17 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
18 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
19 the public the practice authorized by the license.

20 " ...

21 "(j) The violation of any of the statutes of this state or of the United States
22 regulating controlled substances and dangerous drugs.

23 "(k) The conviction of more than one misdemeanor or any felony involving the
24 use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
25 combination of those substances.

26 "(l) The conviction of a crime substantially related to the qualifications, functions,
27 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
28 (commencing with Section 801) of Title 21 of the United States Code regulating controlled

1 substances or of a violation of the statutes of this state regulating controlled substances or
2 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
3 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
4 The board may inquire into the circumstances surrounding the commission of the crime, in order
5 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
6 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
7 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
8 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
9 meaning of this provision. The board may take action when the time for appeal has elapsed, or
10 the judgment of conviction has been affirmed on appeal or when an order granting probation is
11 made suspending the imposition of sentence, irrespective of a subsequent order under Section
12 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
13 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
14 or indictment.

15 6. Section 4022 of the Code states:

16 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
17 self-use, except veterinary drugs that are labeled as such, and includes the following:

18 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
19 without prescription," "Rx only," or words of similar import.

20 (b) Any device that bears the statement: "Caution: federal law restricts this
21 device to sale by or on the order of a _____," "Rx only," or words of similar import, the
22 blank to be filled in with the designation of the practitioner licensed to use or order use of the
23 device.

24 (c) Any other drug or device that by federal or state law can be lawfully
25 dispensed only on prescription or furnished pursuant to Section 4006."

26 7. Section 4060 of the Code states:

27 "No person shall possess any controlled substance, except that furnished to a
28 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished

1 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse
2 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This
3 section shall not apply to the possession of any controlled substance by a manufacturer,
4 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
5 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
6 and address of the supplier or producer.

7 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
8 or a physician assistant to order his or her own stock of dangerous drugs and devices."

9 8. Section 490 of the Code states:

10 "A board may suspend or revoke a license on the ground that the licensee has been
11 convicted of a crime, if the crime is substantially related to the qualifications, functions,
12 or duties of the business or profession for which the license was issued. A conviction
13 within the meaning of this section means a plea or verdict of guilty or a conviction
14 following a plea of nolo contendere. Any action which a board is permitted to take
15 following the establishment of a conviction may be taken when the time for appeal has
16 elapsed, or the judgment of conviction has been affirmed on appeal, or when an order
17 granting probation is made suspending the imposition of sentence, irrespective of a
18 subsequent order under the provisions of Section 1203.4 of the Penal Code."

19 9. Section 118, subdivision (b), of the Code provides that the expiration of a
20 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
21 period within which the license may be renewed, restored, reissued or reinstated.

22 10. Section 125.3 of the Code states, in pertinent part, that the Board may
23 request the administrative law judge to direct a licentiate found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

26 11. California Code of Regulations, title 16, section 1770, states:

27 "For the purpose of denial, suspension, or revocation of a personal or facility
28 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions

1 Code, a crime or act shall be considered substantially related to the qualifications, functions or
2 duties of a licensee or registrant if to a substantial degree it evidences present or potential
3 unfitness of a licensee or registrant to perform the functions authorized by his license or
4 registration in a manner consistent with the public health, safety, or welfare."

5 DRUGS

6 12. "Hydrocodone" is a Schedule II controlled substance pursuant to Health
7 and Safety Code section 11055(b)(1)(J) and a dangerous drug pursuant to Business and
8 Professions Code section 4022(c). "Vicodin" is a trade name for the narcotic substance
9 "Hydrocodone."

FIRST CAUSE FOR DISCIPLINE

10 (Conviction of Crime)

11 13. Respondent is subject to disciplinary action under sections 4301(f),
12 4301(k), 4301(l), and 490, in that on or about December 13, 2002, Respondent was convicted by
13 her plea of guilty of a violation of Penal Code section 487(a) (Ct. 2, grand theft of personal
14 property, a felony) and Health and Safety Code section 11350(a) (Count 7, possession of a
15 controlled substance, to wit: Vicodin, a felony), in *People of the State of California v. Christiana*
16 *Ann Roach*, San Diego County Superior Court Case No. CD 170485. These crimes were
17 substantially related to the qualifications, functions, or duties of Respondent's profession as a
18 pharmacist. The circumstances are as follows:

19 a. On or about October 2, 2002, Respondent, a pharmacist at the UCSD
20 Medical Center in San Diego, California, was observed by video surveillance entering a
21 pharmacy storeroom after hours and taking a bottle containing 500 tablets of Vicodin and a bottle
22 of Lortab without permission.

23 b. On December 13, 2002, Respondent was sentenced to participate in the San
24 Diego County Drug Court, although completion of the program will not result in the dismissal of
25 the felony charges.

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